

### REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the above discussion, is respectfully requested.

Claims 1 and 3-7 are currently pending. Claim 2 has been canceled without prejudice; Claims 1 and 3-6 have been amended; and Claim 7 has been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the title was objected to as being non-descriptive of the claimed invention; Claims 4 and 6 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph; Claim 5 was rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Application No. 2002/76736 to Ogawa (hereinafter “the ‘736 patent”); Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘736 patent; and Claims 1 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,170,449 to Doi (hereinafter “the ‘449 patent”) in view German Patent No. 4,205,762 to Dreier et al. (hereinafter “the ‘762 patent”), in view of either one of U.S. Patent Application Publication No. 2003/0198463 to Temple et al. (hereinafter “the ‘463 application”) and U.S. Patent Application Publication No. 2001/0048486 to Okama et al. (hereinafter “the ‘486 patent”).<sup>1</sup>

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on July 1, 2009, at which time the Examiner confirmed that the drawings should have been indicated as accepted on the Form PTO-326.

Applicants respectfully submit that the objection to the title is rendered moot by the present amendment to the title.

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<sup>1</sup> Applicants note that Claims 2 and 3 were not specifically addressed with respect to the cited prior art.

Applicants respectfully submit that the rejection of the claims under 35 U.S.C. § 112, second paragraph, is rendered moot by the present amendment to the claims. Claim 6 has been amended to address the antecedent basis question set forth in the outstanding Office Action, and the word “if” has been replaced with the word “when” throughout the claims, as suggest in the Office Action. Accordingly, Applicants respectfully submit that the rejections are rendered moot.

Applicants respectfully submit that the rejections of Claims 4 and 6 under 35 U.S.C. § 101 are rendered moot by the present amendment to those claims. Claims 4 and 6 have been amended to be directed to a computer readable medium storing a computer program that causes a computer to execute various steps. Accordingly, Applicants respectfully submit that the rejections are rendered moot.

Amended Claim 1 is directed to an information processing apparatus, comprising: (1) acquisition means for acquiring predetermined content data including a plurality of access units which are reproduced by a predetermined reproduction device, wherein said reproduction device is a digital video tape recorder and said content data is recorded to a digital video tape loaded on said digital video tape recorder; (2) acquisition stop control means for monitoring, among time information included in each of said plurality of access units reproduced by said reproduction device, a recording time at which each of said plurality of access units was recorded and, when said recording time of a first access unit, from said plurality of access units, currently being monitored is earlier than said recording time of a second access unit monitored temporally before said first access unit, stopping the acquisition of said content data; and (3) reproduction control means for controlling, in response to a request from said acquisition means, any of operations of reproduction, fast feeding, and rewinding said digital video tape loaded on said digital video tape recorder and an operation of stopping any of said operations. Further, Claim 1 has been amended to clarify that the

acquisition means, when starting an acquisition process of said content data, requests said reproduction control means to reproduce said digital video tape loaded on said digital video tape recorder and, when the acquisition process of said content data is stopped by said acquisition stop control means, requests said reproduction control means to stop the requested reproduction. Claim 1 has been amended to recite the limitations recited in Claim 2.

Accordingly, no new matter has been added.

Applicants respectfully submit that the rejection of Claim 1 is rendered moot by the present amendment to that claim. Claim 1 has been amended to incorporate the limitations recited in Claim 2, which were not rejected based on the prior art. Accordingly, Applicants respectfully submit that Claim 1, as amended, patentably defines over any proper combination of the cited references.

Further, as discussed below, Applicants respectfully submit that any proper combination of the cited references fails to disclose acquisition stop means for monitoring a recording time at which each of the plurality of access units was recorded and when the recording time of a first access unit currently being monitored is earlier than the recording time of a second access unit monitored temporally before the first access unit, stopping the acquisition of the content data, as recited in amended Claim 1.

The '449 patent is directed to a method of controlling a dynamic image in a begin-forward mode and a begin-rewind mode including memorizing a plurality of image frames that form a plurality of sequential scenes of a dynamic image; measuring a parameter of the dynamic image for each image frame; determining the difference in the parameter between neighboring frames; determining the beginning frame for a series of scenes when the difference exceeds a threshold; and controlling movement of the dynamic image to stop in the beginning-forward mode and in the beginning-rewind mode in accordance with the detected beginning frame. In particular, the '449 patent discloses a method for detecting scene

boundaries. However, Applicants respectfully submit that the '449 patent fails to disclose the acquisition stop control means recited in Claim 1. In particular, Applicants respectfully submit that the Office Action does not assert that the '449 application discloses such a limitation.

The '762 patent is directed to a method and system for removing advertising portions of a video program. In particular, the '762 patent discloses that a video recorder having a evaluation and control microprocessor that controls the magnetic recording in the tape transport drive to interrupt the recording mode in response to a first signal within the transmission, and to restart the recording upon detection of a second signal. In particular, the '762 patent discloses that the first and second signals correspond to the beginning and end of an advertising portion within the video content.

However, Applicants note that Claim 1 requires acquisition stop control means for monitoring the recording time at which each of the plurality of access units is recorded and when record time of a first access unit currently being monitored is earlier than the recording time of a second access unit monitored temporarily before the first access unit, stopping the acquisition of the content data, as recited in amended Claim 1. On the contrary, the '762 patent discloses only that the **recording** of the content is stopped while the advertisement is being acquired. Claim 1 while stopping the acquisition of the content, not stopping the recording of the acquired content. In this regard, Applicants note that page 10 of the outstanding Office Action states that stopping the acquisition is the same as stopping the recording. However, Applicants respectfully disagree with this assessment since the '762 patent merely discloses stopping the recording, not the acquisition of the content, which are different. In the '762 system, the content data (including the advertisement) is continuously being acquired; only the recording is stopped between the receipt of the first and second signals.

Applicants respectfully submit that the '463 application and the '486 application fail to remedy deficiencies of the '449 and '762 patents, as discussed above. In particular, Applicants note that the '486 application discloses the detection of discontinuities in a recorded time code between two frames that are acquired from a digital recorder. However, as shown in Figure 2 of the '486 application, when this continuity is detected, the '486 patent merely discloses that the frame number of the cut is transferred to a text file, but does not disclose that the acquisition of the content is stopped. Further, the '463 application merely discloses that when a video is recorded in discontinuous time segments, the gap in the time information can be used to determine the video CD chapter points, but does not disclose that acquisition of content data is stopped.

Thus, no matter how the teachings of the '449 patent, the '769 patent, the '463 application, and the '486 application are combined, the combination does teach or suggest acquisition stop control means for monitoring a recording time at which each of the plurality of access units is recorded and when the recording time of a first access unit currently being monitored is earlier than the recording time of a second access unit monitored temporally before the first access unit, stopping the acquisition of the content data, as recited in amended Claim 1. Further, Applicants respectfully submit that the combined teachings of the cited references fail to disclose the limitations added to Claim 1, which were recited in original Claim 2.

Accordingly, for the reasons stated above, Applicants respectfully submit that amended Claim 1 patentably defines over any proper combination of the '449 patent, the '762 patent, the '463 application, and the '486 application.

Independent Claim 4 recites limitations analogous to the limitations recited in Claim 1, and has been amended in a manner analogous to the amendment to Claim 1. Accordingly,

for the reasons stated above, Applicants respectfully submit that the rejection to Claim 4 is rendered moot by the present amendment to that claim.

Amended Claim 5 is directed to an information processing apparatus, comprising: (1) acquisition means for acquiring predetermined content data reproduced by a predetermined reproduction device, wherein said reproduction device is a digital video tape recorder and said content data is recorded to a digital video tape loaded on said digital video tape recorder; (2) acquisition stop control means for monitoring the reproduction content by said reproduction device and, when said content data has an unrecorded area extending for more than a predetermined period of time, stopping the acquisition process of said content data by said acquisition means, (3) reproduction control means for controlling, in response to a request from said acquisition means, any of operations of reproduction, fast feeding, and rewinding said digital video tape loaded on said digital video tape recorder and an operation of stopping any of said operations, wherein the acquisition means, when starting an acquisition process of said content data, requests said reproduction control means to reproduce said digital video tape loaded on said digital video tape recorder and, when the acquisition process of said content data is stopped by said acquisition stop control means, requests said reproduction control means to stop the requested reproduction. Claim 5 has been amended to incorporate limitations analogous to those recited in Claim 2. Accordingly, no new matter has been added.

The '776 patent is directed to a dubbing device that stops recording when a detected circuit detects the existence of a signal that indicates a section of a master tape is not recorded.

However, Applicants respectfully submit that the '776 patent fails to disclose acquisition stop control means for monitoring the reproduction content by the reproduction device and when the content data has an unrecorded area extending for more than a

predetermined period of time, stopping the acquisition process of the content data by the acquisition means, as recited in Claim 5. Applicants respectfully submit that the '776 application fails to detect an unrecorded area extending for more than a predetermined period of time, but merely discloses a signal that detects and unrecorded area. Further, Applicants respectfully submit that the '776 patent fails to disclose the limitations added to Claim 5 from Claim 2. In particular, the '776 patent fails to disclose the reproduction control means and the acquisition means recited in amended Claim 5. Accordingly, Applicants respectfully submit that the rejection of Claim 5 is rendered moot by the present amendment to that claim.

Claims 6 recites limitations analogous to the limitations recited in Claim 5 and has been amended in a manner analogous to the amendment in Claim 5. Accordingly, for the reasons stated above for the patentability of Claim 5, Applicants respectfully submit that the restriction of Claim 6 is rendered moot by the present amendment to that claim.

The present amendment also set forth new Claim 7 for examination on the merits. New Claim 7 recites limitations analogous to the limitations recited in amended Claim 1. Accordingly, no new matter has been added. See, e.g., pages 107-108.

Thus, it is respectfully submitted that independent Claims 1, 4, 5, 6, and 7 (and all associated dependent claims) patentably define over proper combination of the cited references.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

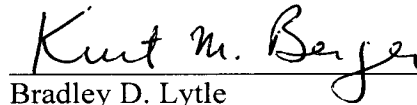
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

A handwritten signature in cursive script, reading "Kurt M. Berger", is written over a horizontal line.

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Kurt M. Berger, Ph.D.  
Registration No. 51,461